Supreme Court, U. S.
FILED
FEB 12 1976
MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1975

NO. 75-862

WILLIAM HENRY INGRAM,

Petitioner,

v.

STATE OF GEORGIA,

Respondent,

ON PETITION FOR WRIT OF CERTIORARI
TO THE GEORGIA SUPREME COURT

REPLY TO RESPONDENT'S BRIEF

VINCENT P. McCAULEY
Attorney for Petitioner
P. O. Box 1884
Columbus, Georgia 31902

IN THE

Supreme Court of the United States

OCTOBER TERM, 1975

NO. 75-862

WILLIAM HENRY INGRAM,

Petitioner,

v.

STATE OF GEORGIA.

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE GEORGIA SUPREME COURT

REPLY TO RESPONDENT'S BRIEF

STATEMENT OF THE CASE CORRECTION

The Petitioner in this case is obligated to file a Response to the Brief in Opposition of the Defendant for the reason that the Defendant in Certiorari has mistakenly asserted in its Brief that the Petitioner was convicted of aggravated assault. This is not true. The Record will 'ndicate that the Petitioner was convicted only of Robbery by intimidation, which the Trial Court instructed the Jury was a lesser included offense of Armed Robbery.

INDEX

CORRECTED STATEMENT OF THE CASE.....1

ADDITIONAL REASON FOR GRANTING THE WRIT.....1

A. THE TRIAL JUDGE IN HIS INSTRUCTION TOLD THE JURY THAT IF THEY COULD NOT FIND THE DEFENDANT GUILTY OF ANY OF THE OFFENSES CHARGED, THEN THEY MIGHT BRING IN A VERDICT OF GUILTY OF ROBBERY BY INTIMIDATION.

ADDITIONAL REASON FOR GRANTING WRIT

THE TRIAL JUDGE IN EFFECT IN HIS INSTRUCTION TOLD THE JURY THAT IF THEY COULD NOT FIND THE DEFENDANT GUILTY OF ANY OF THE OFFENSES CHARGED, THEN THEY MIGHT BRING IN A VERDICT OF GUILTY OF ROBBERY BY INTIMIDATION.

The entire thrust of the Petitioner's Application for Certiorari here has to do with the initial, continuing, and concluding interference by the Trial Judge in the course of this prosecution. The entire Record of this case and the whole content of the Petitioner's Brief reflects that the Trial Judge prosecuted this case from beginning to end. The instant reason for granting the Writ is simply an additional factor in the category of Petitioner's complaints against the conduct of the Trial Judge.

As stated in our orignal Brief this is a flagrant case of a perversion of the judicial role and is glaring example of that improper conduct and misconception of the judicial role which has been condemned by the Chief Justice of this Court.

Respectfully submitted,

Vincent P. McCauley

Attorney for Petitioner

CERTIFICATE OF SERVICE

I, Vincent P. McCauley, Attorney of Record for the respondent herein, and a member of the Bar of the Supreme Court of the United States, hereby certify that in accordance with the rules of the Supreme Court of the United States, I have this day served a true and correct copy of the foregoing Brief for Respondent in Opposition upon the petitioner by depositing a copy of same in the United States mail, with proper address and adequate postage thereon to:

G. Thomas Davis
132 State Judicial Bldg.
40 Capitol Square, S.W.
Atlanta, Georgia 30334
(404)656-3353

This 6th day of February, 1976.

Vincent P. McCauley

Vincent P. McCauley